

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2207 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE R.R.JAIN

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1. Whether Reporters of Local Papers may be allowed to see the judgements? No

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy of the judgement? No

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge?No

V K FARMING CO OPERATIVE KHETISAMUDAYIK MANDALI

Versus

STATE OF GUJARAT

Appearance:

MRS KETTY A MEHTA for Petitioner

MS HARSHA DEVANI ASSTT. GOVT. PLEADER for Respondents.

CORAM : MR.JUSTICE R.R.JAIN

Date of decision: 05/05/97

ORAL JUDGEMENT

The petitioner - society had purchased lands by registered sale deeds and appropriate entries in revenue records were made in the name of the petitioner society. However, the respondent - authority raising disputes under S.2 (2) and 2 (6) read with S. 63 of The Bombay

Tenancy and Agricultural Lands Act initiated proceedings under Section 84-(C) of the Act and resumed the lands to the Government. As a consequence thereof, entries made in favour of the petitioner were also reversed and the lands in question were mutated in the name of the Government. Aggrieved by the order passed by the respondents under Section 84-(C) of the Act, the petitioner - society preferred Revision Applications Nos.174 of 1995 to 178 of 1995 and others before the Gujarat Revenue Tribunal. The Gujarat Revenue Tribunal vide order Annexure-A dated 14.8.1995 passed in Revision Application No.TEN/BS.17 of 1995, Annexure-B dated 3.11.1995 in Revision Application No.174 of 1995 to 178 of 1995 and Annexure-C dated 3.11.1995 in Revision Application No.81 of 1995 to 123 of 1995 reversed the order passed by the authority below. Despite these judgments operating in favour of the petitioner, mutation entries have not been made in favour of petitioners therefore the petitioner has filed this petition for appropriate relief.

2. At the initial stage it was contended by the Government that as challenge to the order was under contemplation hence are not giving effect. Despite this fact if effect is given and ultimately Government succeeds may give rise to multiplicity of litigation. But during the course of arguments, the learned Assistant Government Pleader Ms. Devani has made a statement that the Government has decided not to challenge the orders referred to above and has issued appropriate directions to the concerned authority to give effect and take all consequential steps. In support of her statement, she has produced xerox copies of letters dated 28.4.1997 written by the Revenue Department, Government of Gujarat to the Collector, District Surat. In view of these letters, the petition is required to be allowed since the only prayer by the petitioner is to issue appropriate directions against the Government to make necessary entries in the revenue record.

3. In the result, the petition is allowed. Respondents Nos.2 to 4 are hereby directed to make necessary entries showing the name of the petitioner in all the village forms and revenue record by reversing the entries made in favour of the State of Gujarat pursuant to the order dated 16.5.1995 passed by the Deputy Collector, Choryasi Prant, Surat. The respondents are directed to make necessary entries within two weeks from the date of receipt of writ from this court. Xerox copies of letters referred to above produced by learned A.G.P. be taken on record. Rule is made absolute

accordingly.

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